In the High Court of Judicature at Madras

Dated : 18.08.2006

Corm:

The Honourable Mr.Justice P.JYOTHIMANI

W.P.No.24454 of 2006

N.Chevanan .. Petitioner

vs.

1. The Joint Director of School Education (High School)
   DPI Compound, Chennai-6.

2. The Chief Educational Officer,
   Government Higher Secondary School Complex
   Udhagamandalam, The Nilgiris District. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to implement the order of the learned Administrative Tribunal rendered in O.A.No.3850 of 92 dated 7.11.03 and to grant selection grade in the post of High School Headmaster and to grant arrears of salary and pension.

For Petitioner : Mr.R.Saseetharan
For Respondents : Mr.A.GopiRaja, GA

O R D E R

The Tamil Nadu Administrative Tribunal by order dated 7.11.2003, passed in O.A.No.3850 of 1992 has held that the petitioner herein is entitled for the award of selection grade on completion of 10 years of service in 1989. The applicant has retired in the year 1992 as Headmaster and he will be entitled for the selection grade for a period of three years.

2. With that observation, the Tribunal has directed the respondents to grant the selection grade and pay the arrears due thereof after adjusting the amount already paid.

3. Admittedly, as the said order of the Tribunal has become final, the second respondent by his proceedings dated 5.7.2005 has stated that steps are being taken for the purpose of granting selection grade to the petitioner and inspite of the same, the benefit has not confirmed to the petitioner. The petitioner has also made a representation to the first respondent on 15.03.2006.

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4. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents. In view of the facts and circumstances as stated above, the order of the Tamil Nadu Administrative Tribunal dated 7.11.2003 has become final.

5. There is absolutely no impediment on the part of the first respondent in granting the selection grade to the petitioner who has admittedly retired from service and consequently, the petitioner will be entitled only for the monetary benefits in accordance with law.

6. In view of the same, the first respondent is directed to implement the order of the Tamil Nadu Administrative Tribunal dated 7.11.2003 passed in O.A.No.3850 of 1992 by confirming the selection grade to the petitioner and such order shall be passed within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

sgl

To

1. The Joint Director of School Education (High School)
   DPI Compound, Chennai-6.

2. The Chief Educational Officer,
   Government Higher Secondary School Complex
   Udhagamandalam, The Nilgiris District.

1 cc to Government Pleader, High Court, Madras, 36890
1 cc to Mr.R.Saseetharan, Advocate, Sr. 37429

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